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LIQUOR AND LAW.

BY THE RIGHT REV. WILLIAM CROSWELL DOANE, BISHOP OF
ALBANY.

HAVING said, under a sense of very strong obligation, some words in regard to the legislation in this State on the subject of excise, I feel bound to make my meaning clearer; the more so, because what I said has attracted larger attention and wider comment than I supposed it would.

The object of my speaking at first, was to impress upon the clergy my deep sense of their duty to deal with the question of temperance on its three sides: first, the frightful sin of excess; secondly, the influence of the liquor traffic in demoralizing and debauching politics and public office; and thirdly, its tendency towards the desecration of the Lord's Day.

The public press has naturally dealt chiefly with what was really incidental, namely, my suggestion as to the abolishing of our present excise system. And, naturally, too, what I said briefly, has been in some instances misunderstood. The suggestion laid no claim to originality, and was not proposed as a panacea to cure the evil of drunkenness; which, as a sin, can only be dealt with, like any other sin, by moral and spiritual forces. When I said that "wine and beer and spirits were articles of commerce just as much as milk and beef and bread," I was speaking merely of their *commercial* side. There is, of course, a moral element in this consideration, which cannot be omitted from any large and thorough view of the subject. There is a moral element, to a degree, in the other articles of food, because gluttony is the same sin as drunkenness. But there is far graver danger attending the *sale*, because there is far greater danger attending the *use*, of liquor. I am convinced that neither excise laws nor prohibitory laws eliminate or even lessen the

danger. It is neither the sale nor the use of the liquor, which is to be prevented or patronized by the State. It is the abuse of it with which the State is concerned ; and that ought to be dealt with, as other crimes are dealt with, in the penal code.

Meanwhile, the working of the excise law in my experience is this : The sale of liquor is taken under the peculiar patronage of the State. The State makes money out of it ; and the liquor dealers assume a position of peculiar importance, as though they were a privileged class. The State is governed by the Legislature elected by the people ; and the Legislature is chosen by and composed of politicians : and here are these two parties, the manufacturers and sellers and drinkers of liquor, with their enormous influence, *and* the makers of the law which must affect the liquor interest under our present system. And men being fallible and weak, it inevitably follows, first, that the liquor-interest will set itself at work to secure the kind of legislators that they want ; and secondly, that the legislators, so elected, and so wanting to be re-elected, will gratify the expectations of the people whose influence elected them. The whole thing seems to me a premium on bad legislation. If the liquor dealers had no use for the legislators, and the legislators no use for the liquor dealers, we should get better legislation. I have watched and worked over this question in the New York Legislature for twenty years, and I only give the outcome of my own experience.

The details of what should be done, in the framing of a new law and the adoption of a new system, are beyond my knowledge or my responsibility ; but, while I suppose the saloon would remain to a certain extent a power in politics, it would be shorn of some of its power and some of its assumption, if it did not stand in the relation of peculiar privilege to the State.

The question in which I am especially concerned is the question of open saloons on Sunday. If the saloon keepers had not been lifted up on a superior plane, they would not dare to take the attitude they do take now. It has been thought right in the State of New York, since ever it was a State, to close *all* selling places on Sunday, and to allow the sale of actually necessary things only up to 10 o'clock. This is not a religious question ; it is a question of humanity. The religious question regards the *holiness* of the day. Quite apart from this is the human question, the question of health, the question of proved necessity, the *rest*

of the day. And the demand comes to violate this, to keep one kind of shop open and one set of men at work ; and the kind of shop is the most dangerous kind of shop ; the shop where the week's earnings will be wasted ; the shop where the tired worker up to Saturday night will unfit himself for the work which is to begin on Monday ; the shop out of which proceed the brawls and quarrels which destroy the day of rest and desecrate the day of holiness, and fill the Monday courts and the Monday prisons with criminals. It seems to me an insult to the intelligence of our American civilization. And it seems strange to me that the men who toil with their hands should fail to see that, under the pretense of giving them certain freedom for certain things on Sunday, this is the entering wedge for binding upon them the bondage of seven days work in a week. Once granted that a community has the right to keep one set of men at work, except in cases of recognized necessity, and one kind of shops open, on Sunday, and the first step has been taken toward making Sunday a general working day.

If it is said, "This is an interference with personal liberty," the answer is that personal liberty has to be interfered with if the person is doing wrong to himself or to his neighbor.

If, again, it is said that it makes unfair discrimination among classes, the answer is, that if this refers to clubs, there is no question but that the open bar of the club-house ought to be closed on Sundays, as much as the open bar of the saloon. But if it means to deprive the owners and members of a club of eating and drinking in their club-house on Sunday, then the argument proves too much, because that is in the nature of what a man does in his own house, whether rich or poor, and that the law does not touch.

If it be said that if a community desires to have saloons open they ought to be allowed to vote upon it, the answer is, that this is what is called "local option," and local option is well enough in reference to things about which there is *option*. If a community, for instance, should vote, as it does sometimes, that it will have no saloons, no place where liquor can be bought at retail at any time, it has the right to do it ; and another community may vote just the other way. This is a question of expediency and choice. But I submit that no more dangerous theory was ever advanced or advocated, than that of giving a

community the right to vote directly or by indirection on the question of Sunday sales of anything. Here is a principle primæval, immemorial, fundamental. It is not a question of religion merely or mainly. If a community can vote to have liquor sold on Sunday, it can vote to have green-groceries sold, markets open, mechanics compelled to work. The poor man, the man who works with his hands, cannot be blind enough not to see this. He may want his glass of beer badly, but he had better buy it on Saturday night, and drink it stale or go without it, than fall into the fatal error of fancying that it is *only* a glass of beer. It is a question of six days' work or seven days' work in a week. It is a question of breaking down the only barrier that exists between him and the cruel greed of his employer.

Local option on the observance of the Day of Rest, so that one community shall have it and another not? Why not local option on the sacredness of marriage, so that any given community may legalize adultery by a majority at the polls? Why not local option on any one of the plain revelations of God's will, as they are incorporated into the laws of all Christian states? It is most earnestly to be desired that thoughtful people will think this matter *out* to the width of its reaches, and *down* to the depth of its meaning. There are some things about which there is no choice, except the deliberate choosing to disobey the law of God, which underlies all law. No majority vote, no legislation, no interpretation, can make that *law*, which is against Law as God has laid it down. There can be no personal or local option (which means choice) recognized or legalized which violates God's revealed law. So the conclusion of this matter is plain; first, that the law of the one day of rest in seven is broken by the opening of any places of merchandise, except for the necessities of life; and, secondly, that no majority of voters can make lawful that which is against the law of God. It is a base perversion of the words of Christ to make His saying, "The Sabbath was made for man," mean that it was made for man to do with as he pleases, or to do away with it if he pleases. It *was* made for man. It is his divine right, his inalienable heritage, his immemorial privilege; and to palter with it, to barter it for a mess of pottage or a glass of liquor, is to sell the birthright of the "sons of Adam, who are the sons of God."

WM. CROSWELL DOANE.